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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/922,462	09/03/1997	JAMES R. DEFRANCESCO	CMSI-0003	1577

7590 12/21/2001

STERNE,KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W. SUITE 600  
WASHINGTON, DC 20005-3934

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 12/21/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

**Office Action Summary**Application No.  
**08/922,462**Applicant(s)  
**DeFrancesco et al.**Examiner  
**Nguyen Nga B**Art Unit  
**2164****– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –****Period for Reply**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Oct 9, 2001
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13, 16, 17, 20-22, and 38-44 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 13, 16, 17, 20-22, and 38-44 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)                      18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 30                      20) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on October 9, 2001 , which paper has been placed of record in the file.
2. Claims 13, 16, 17, 20-22, and 38-44 are pending in this application.

#### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 13, 16, 17, 20-22, and 38-44 have been considered but are not persuasive. Regarding claim 13, applicant amended the claim as “providing insurance or warranty functionality to the remote application entry and display”, because the limitation is chosen either “insurance” or “warranty functionality”, Examiner chooses “insurance” to reject the claim, therefore, maintains the rejection on claims 13, 16 and 38 as previous office action. Moreover, Examiner decides to withdraw the allowable subject matter regarding to claims 17 and 20-22, because the Declaration swear behind the article entitled “Barnett arm links with auto dealers”, Bank Systems & Technology, v34, n4, p14, April 1997, is not persuasive. See **MPEP § 715.04.**

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 16, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al, U.S. Patent No. 5,611,052 in view of Official notice taken by Examiner.

Regarding claim 13, Dykstra discloses a computer based method of managing a credit application in a system including a central processor coupled to a communications medium for communicating with a remote application entry and display device that allows entry of the credit application (see abstract), a remote credit bureau terminal device (figure 1, item 38), and a remote funding source terminal devices (figure 1, item 34), the method comprising the steps of:

receiving credit application data from the remote application entry and display device (column 4, lines 12-35);

obtaining credit report data from at least one remote credit bureau terminal device (column 4, lines 41-65);

selectively forwarding the credit application data and the credit report data to at least one remote funding source terminal device (figure 2A, step 120);

forwarding funding decision data from the at least one remote funding source terminal device to remote application entry and display device (figure 2A, step 122).

Dykstra does not teach the step of: providing insurance data to a user at the remote application entry and display device. However, Dykstra does teach providing borrower's information such as name, address, social security number, employer, income and the like to the

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user at the remote application entry and display device (column 4, lines 30-35). Therefore, it would have been obvious in Dykstra's to include insurance data in borrower's information. Moreover, Official notice is taken that providing insurance data to a user at the remote application entry and display device is also well known in the art. For example, when a customer purchases a car at an auto dealer, the customer is always required to provide insurance information to the dealer. Thus no patentable distinction is imparted by this feature.

Regarding claim 16, Dykstra does not directly teach remote application entry and display device include a telephone connection for voice communication with a remote data entry location to provide the credit application data. However, Dykstra does teach remote application entry and display device having a keyboard, display, or other user input/output devices (column 3, lines 55-60). Therefore, it would have been obvious in Dykstra's to include a telephone connection for voice communication with a remote data entry location to provide the credit application data.

Regarding claim 38, Dykstra further discloses the system processes credit applications for a dealer having a plurality of dealerships located at different locations, the method further comprising the steps of: aggregating data from each or the plurality of dealerships; and providing the dealer with a consolidated report using the aggregated data (see figure 1, item 26 and column 4, lines 12-40).

6. Claims 17, 20-22, and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al, U.S. Patent No. 5,611,052 in view of Barnett Dealer Financial Service.

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Regarding claim 17, Dykstra discloses a computer based method of managing a credit application in a system inducing a central processor coupled to a communications medium for communicating with a remote application entry and display device (see abstract), a remote credit bureau terminal (figure 1, item 38), and a remote funding source terminal device (figure 1, item 34), the method comprising the steps of:

receiving credit application data from the remote application entry and display device (column 4, lines 12-35);

obtaining credit report data from at least one remote credit bureau terminal device (column 4, lines 41-65);

selectively forwarding the credit application data and the credit report data to a first remote funding source terminal device (figure 2A, step 120); and

forwarding funding decision data from the at least one of the first and second remote funding source terminal device to remote application entry and display device (figure 2A, step 122).

Dykstra does not teach the step of: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application. However, Barnett Dealer Financial Services teach the step of: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the

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funding source associated with the first remote funding source terminal declines to approve the credit application (page 1, lines 22-30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature as taught by above Barnett Dealer Financial Services with Dykstra's for the purpose of saving time and labor costs.

Regarding claim 39, Dykstra further teaches the remote application entry and display device includes a data entry terminal for manual entry of the credit application data (figure 1, item 26).

Regarding claim 40, Dykstra further discloses the system processes credit applications for a dealer having a plurality of dealerships located at different locations, the method further comprising the steps of: aggregating data from each or the plurality of dealerships; and providing the dealer with a consolidated report using the aggregated data (see figure 1, item 26 and column 4, lines 12-40).

Regarding claim 20, Dykstra discloses a computer based method of managing a credit application in a system inducing a central processor coupled to a communications medium for communicating with a remote application entry and display device (see abstract), a remote credit bureau terminal (figure 1, item 38), and a remote funding source terminal device (figure 1, item 34), the method comprising the steps of:

receiving credit application data from the remote application entry and display device (column 4, lines 12-35) ;

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obtaining credit report data from at least one remote credit bureau terminal device (column 4, lines 41-65) ;

selectively forwarding the credit application data and the credit report data to a first remote funding source terminal device (figure 2A, step 120). ; and

forwarding funding decision data from the at least one of the first and second remote funding source terminal device to the consumer (figure 2A, step 122).

Dykstra neither teaches the system processes credit applications for a dealer having a web site nor the step of: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application. However, Barnett Dealer Financial Services teach the system processes credit applications for a dealer having a web site (page 1, lines 30-37) and the step of: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application (page 1, lines 22-30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature as taught by above Barnett Dealer Financial Services with Dykstra's for the purpose of saving time and labor costs.

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Regarding claims 21-22, Dykstra discloses sending a copy of the funding decision data to the dealer directly by at least one of the following steps: faxing the funding decision data to the dealer; and providing the funding decision data to the dealer on-line (column 5, lines 3-5).

Regarding claim 41, Dykstra further teaches the remote application entry and display device includes a data entry terminal for manual entry of the credit application data (figure 1, item 26).

Regarding claim 42, Dykstra further discloses the system processes credit applications for a dealer having a plurality of dealerships located at different locations, the method further comprising the steps of: aggregating data from each or the plurality of dealerships; and providing the dealer with a consolidated report using the aggregated data (see figure 1, item 26 and column 4, lines 12-40).

Regarding claim 43, Dykstra discloses a credit application and routing system comprising:  
a processor is located at a lender (figure 1, item 26); and  
at least one data input terminal for selectively receiving credit application data from applicants at remote location and forwarding the data to the processor over a communication medium, wherein processor executes a program the performs method steps for handling the credit application (column 4, lines 18-46), the method steps including:

receiving the credit application to allow either manual decision of the credit application nor manual entry of the credit application into an in-house credit processing system (column 4, lines 18-46).

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Dykstra does not teach the step of: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application. However, Barnett Dealer Financial Services teach the step of: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application (page 1, lines 22-30). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include that feature as taught by above Barnett Dealer Financial Services with Dykstra's for the purpose of saving time and labor costs.

Regarding claim 44, Dykstra further discloses the specific details include whether the lender has a relationship with the dealer (column 4, lines 26-28).

### *Conclusion*

7. Claims 13, 16, 17, 20-22, and 38-44 are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks  
c/o Technology Center 2700  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

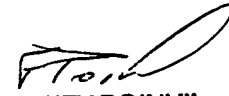
**or:**

(703) 308-5397 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington.  
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen  
December 14, 2001

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AUG 2 '64